

IV. Facilitation of precursor trafficking through the Internet: a thematic study

196. As the use of the Internet and other computer networks has grown rapidly in recent years, so have the opportunities for Internet-facilitated drug trafficking. This is also the case with regard to trafficking in precursor chemicals. The misuse of the Internet (the surface web) for the diversion of and trafficking in precursor chemicals was first reported by the Board in its report on precursors for 2000, in relation to fatal accidents at illicit MDMA laboratories in Europe and North America. The laboratories were operated by people with no background in chemistry who had obtained the required recipes, chemicals and equipment on the Internet.³⁸ In the same year, the Commission on Narcotic Drugs, in its resolution 43/8, expressed its resolve to curtail the availability of controlled pharmaceuticals and precursor chemicals for illicit purposes through the misuse of the World Wide Web.

197. In 2011, the Commission, in its resolution 54/8, invited Member States to take appropriate measures to strengthen international cooperation and the exchange of information regarding the identification of new routes and modi operandi of criminal organizations dedicated to the diversion or smuggling of precursor chemicals frequently

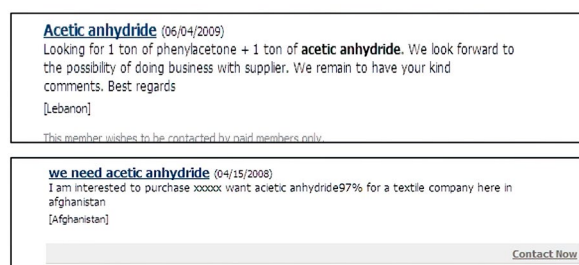
used in the illicit manufacture of narcotic drugs and psychotropic substances, including with respect to the use of the Internet for illicit purposes, and to continue to notify INCB of such information.

198. In 2017, in its resolution 60/5, the Commission encouraged Member States, INCB and UNODC to collect data, analyse evidence and share information with respect to criminal activities conducted via the Internet relating to precursors, and to continue to strengthen legal, law enforcement and criminal justice responses, based on national legislation, as well as international cooperation, to curb such illicit activities.

Drivers of precursor trafficking over the Internet

199. Past monitoring of the Internet by the Board's secretariat indicated that, from the early 2000s to the early 2010s, Internet-facilitated precursor trafficking appeared to be primarily driven by potential buyers of precursors seeking chemicals needed in illicit drug laboratories (see figure 22). At that time, such buyers did not make much effort to hide their identity or activities. Their contact details, and even those of vendors, were relatively easy to identify. Despite information being available that enabled the identification of those involved, regulatory and law enforcement authorities often did not make use of that information for follow-up inquiries or investigations, perhaps owing to a lack of awareness and expertise.

Figure 22. Examples of Internet postings advertising the intent to purchase precursors in the period 2008–2009



200. Since the late 2010s, the situation has changed, with Internet posts related to precursors being dominated by vendors or private sellers, as compared with the earlier attempts, which were dominated by buyers. The advertisements have also become more sophisticated compared with the relatively transparent methods noted earlier, with the latest postings by vendors increasingly using Chemical Abstracts Service (CAS) registry numbers in addition to, or instead of, chemical names and/or street names of controlled precursors and non-scheduled chemicals. In addition, vendors have also resorted to the use of anonymizing

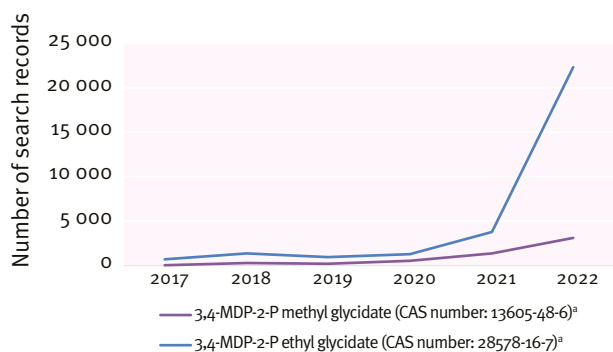
³⁸INCB report on precursors for 2000 (E/INCB/2000/4), para. 76.

technologies such as virtual private network and proxy services³⁹ to hide Internet protocol addresses and locations. Furthermore, while the initial contact between potential buyers and vendors of precursors and non-scheduled chemicals continues to be made on legitimate online platforms, including business-to-business and social media platforms, subsequent communications are often carried out by means of encrypted systems that remain beyond the reach of law enforcement authorities.⁴⁰

201. Regardless of whether it is driven by buyers or sellers, Internet-facilitated trafficking in precursors is always influenced by the regulatory environment, at both the international and national levels. Information derived from the monitoring of Internet activity may indicate either the continued or discontinued interest of traffickers in chemicals after their scheduling.

202. The following figures provide an illustration of changed patterns in relation to traffickers' interest in two precursors of MDMA and related substances: 3,4-MDP-2-P methyl glycidate ("PMK glycidate"), which was placed in Table I of the 1988 Convention in November 2019, and 3,4-MDP-2-P ethyl glycidate ("PMK ethyl glycidate"), its internationally non-scheduled substitute. Prior to the international scheduling of 3,4-MDP-2-P methyl glycidate in 2019, the number of Internet search records for both substances was relatively stable, however, once the scheduling was effected, searches for the non-scheduled 3,4-MDP-2-P ethyl glycidate grew at a much faster rate than those for the internationally controlled 3,4-MDP-2-P methyl glycidate. The number of search records for 3,4-MDP-2-P ethyl glycidate increased even further after China introduced national controls over 3,4-MDP-2-P methyl glycidate in the second half of 2021 (see figure 23).

Figure 23. Number of Internet search records for 3,4-MDP-2-P methyl glycidate and 3,4-MDP-2-P ethyl glycidate per year since 2017



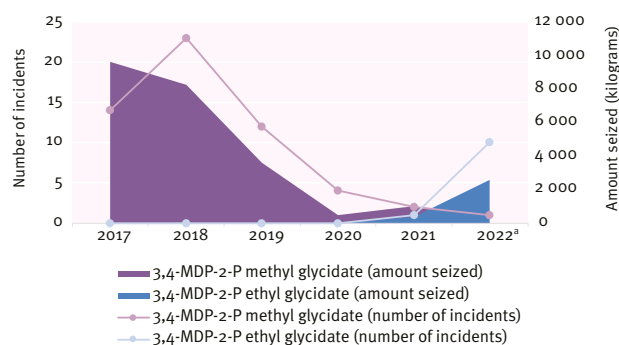
^aSearches were done on the basis of CAS numbers.

³⁹Europol, *The Internet Organized Crime Threat Assessment 2014* (The Hague, 2014), p. 21.

⁴⁰Such as Telegram or Wickr.

203. As regards seizure, the Board has previously noted a phenomenon whereby incidents involving a particular chemical decline significantly following its international scheduling.⁴¹ Figure 24 illustrates this with regard to the number of incidents and amounts of 3,4-MDP-2-P methyl glycidate. Seizures of the substance have continued to decline following its scheduling in China in 2021.⁴² In contrast to the decline in seizures of 3,4-MDP-2-P methyl glycidate, seizures of 3,4-MDP-2-P ethyl glycidate emerged in 2021 and increased significantly in 2022, both in terms of the number of incidents and the amounts involved (see figure 24). This trend corresponds to the large number of Internet search records for the substance in that period. It is worth mentioning that neither 3,4-MDP-2-P methyl glycidate nor 3,4-MDP-2-P ethyl glycidate have any known legitimate use.

Figure 24. Incidents involving 3,4-MDP-2-P methyl glycidate and 3,4-MDP-2-P ethyl glycidate communicated through PICS, 2017–2022



^aThe data only cover the first 10 months of 2022.

Addressing Internet-facilitated trafficking in precursors

204. Although the awareness of Internet-facilitated trafficking in precursors has increased among competent national authorities, the actual magnitude of the problem, in particular in terms of the number of suspicious websites and listings on e-commerce and social media platforms advertising the sale of precursor chemicals, including those with no legitimate use, has also further increased.⁴³ Nonetheless, the number of regulatory and/or law enforcement investigations launched by competent national

⁴¹INCB report on precursors for 2021 (E/INCB/2021/4), para. 30 and figure I.

⁴²Of the 57 cases involving the substances shared through PICS in the period from 1 January 2017 to 15 September 2022, China, including Hong Kong, was mentioned as the country of origin in 35 out of the 37 cases in which the country of origin was indicated.

⁴³Observations from Internet monitoring also indicate likely links between multiple suspicious postings regarding precursors and non-scheduled chemicals found on the surface web that contained the same contact details, suggesting that they had been posted by the same trafficker or traffickers.

authorities worldwide in order to verify the legitimacy of suspicious postings has remained very low. That is perhaps attributable to the fact that many law enforcement officials may believe that suspicious postings on online trading platforms or suspicious websites are online scams rather than advertisements by legitimate vendors with the capacity to supply the advertised precursor chemicals (see also para. 207 below).

205. While limited, investigations into Internet-facilitated precursor trafficking conducted since 2017 have produced significant results, such as a seizure of nearly 10 tons of acetic anhydride in India in 2018, the largest seizure of the substance in the country in the last two decades, and a seizure of ephedrine and ketamine in India in 2022. Follow-up investigations into the latter case led to the identification of a shipment of methamphetamine destined for Australia. The case also involved the use of cryptocurrencies for payment and led to the arrest of the persons involved. A common feature in both cases was the cooperation between the authorities and the private business-to-business Internet platforms on which the suspicious postings were placed, which ultimately led to the seizures and arrests. In another case, backtracking investigations into seizures of acetic anhydride in Pakistan were supported by several other countries, including in the form of cyber-crime investigations in India, which resulted in the arrest of an individual who had been involved in the trafficking of large amounts of the substance to Pakistan through the United Republic of Tanzania in 2016.^{44,45}

206. These examples prove that investigations into Internet-facilitated precursor trafficking contribute to the disruption of trafficking networks. Similar investigations would also be required in other countries, in particular in countries identified as main sources and end users of the drug precursors.

207. In 2021, the targeted, time-bound Operation Acronym, which focused on precursor trafficking over the Internet (the surface web), further assisted the Board in identifying practical obstacles and legal challenges to investigations related to precursors and cybercrime that may have prevented the competent national authorities from launching investigations into suspicious online postings. The obstacles and challenges identified included the following:

(a) Lack of national regulations concerning the offering for sale or distribution, or the mediating in the sale or purchase, of precursors through a website or social media;

(b) Hesitation to initiate investigations into suspicious postings because they might represent scams rather than legitimate trade in precursors;

(c) Lack of sufficient proof of the buyer's or vendor's knowledge that a precursor proposed to be sold or bought online was intended to be used for the illicit manufacture of drugs, leading to a perceived lack of legal grounds to support the initiation of criminal investigations.

208. In most countries, national precursor control measures require the registration of precursor operators (i.e. manufacturers, importers, exporters, distributors or end users) with the competent national authorities, as well as a general or individual authorization for the import and export of controlled substances. The mandatory reporting of domestic trade and distribution is also required in some jurisdictions. As such measures are in place in a number of countries, the Board believes that the administrative verification of the postings and the authenticity of the information contained in them, at least in respect of substances under national control, should not present a major challenge for competent national authorities. Furthermore, the Board recommends that relevant Government agencies engage with the operators of legitimate online platforms to obtain additional information that could assist in identifying persons or companies behind suspicious postings. Operators of legitimate online platforms have repeatedly confirmed their readiness to voluntarily provide such information, upon request.

209. Where information from the concerned Internet platforms about suspected illicit activities involving precursors is difficult to obtain on a voluntary basis, specific regulations covering precursor-related Internet postings may strengthen the powers of competent national authorities to obtain such information. Some Governments that already had successful voluntary cooperation arrangements with business-to-business platforms nevertheless put in place specific regulations to include activities involving the offering for sale or distribution, or the mediating in the sale or purchase, of controlled precursors through a website or social media, or in any other manner. In addition, such specific regulations require online trading platforms that facilitate trade in precursor chemicals to provide the details of transactions involving selected precursors.⁴⁶

⁴⁴Faraz Khan, "CTD arrests two TTP suspects for 'terror financing'", The News International, 29 January 2021.

⁴⁵INCB report on precursors for 2021 (E/INCB/2021/4), para. 172.

⁴⁶INCB report on precursors for 2020 (E/INCB/2020/4), box 2.

Box 5. Approaches to addressing suspicious Internet postings

In view of the large number of suspicious Internet postings, some experts advocate for the removal of such postings from the platforms concerned, as well as the provision of relevant information on suspicious vendors and buyers to law enforcement authorities.^a While the removal of listings of chemical precursors by private companies, deprioritization^b or the entire removal of precursors and non-scheduled chemicals from the search indices may be seen to produce measurable results, limited practical experience from targeted operational activities supported by INCB indicates that if the removal of suspicious listings is not supported by follow-up investigations to identify prospective buyers or sellers of the chemicals, such an approach may end up addressing only the symptoms but not the root cause of the problem. Instances are known where the removal of suspicious postings by cooperative Internet platforms was followed by the appearance of the same postings on other platforms that did not have established voluntary cooperation arrangements with the respective competent national authorities. Therefore, some experts advocate for the adoption of other legal and practical measures, such as the setting up of “spoof”^c online advertisements for precursors or non-scheduled chemicals on business-to-business websites or social media or other platforms, or the use of undercover operations, including sting operations, to gather information on prospective buyers or sellers of related chemicals.^d

Criminal investigations, including investigations into Internet-facilitated precursor trafficking, often involve cross-border investigations and the gathering of electronic evidence. According to Europol, electronic evidence in any form is relevant in approximately 85 per cent of all criminal investigations, and in almost two thirds of the investigations in which electronic evidence is relevant, a request to service providers based in another jurisdiction is needed. Europol experts on cybercrime investigation therefore advocate for the removal of certain legal obstacles faced by investigators, including barriers to the retention and sharing of data by Internet service providers, clearer rules for registering Internet protocol addresses and domains, a stronger focus on undercover activities, and increased efficiency and cross-border cooperation in investigations, including electronic data exchange.^e

Some Governments have put in place specific legislation or regulations that cover Internet postings relating to precursors. During Operation Acronym, India, Thailand, the United Arab Emirates and the United States were among the countries that informed INCB that Internet-facilitated trade in at least one of the seven internationally controlled target substances was subject to national control. In addition, the Board is aware of specific regulations applied in some countries, such as China, where all entities that sell precursors over the Internet are required to be registered with the competent national authorities.^f Some, but not all, European Union member States participating in Operation Acronym confirmed that trade in target substances through the Internet was subject to national control. The variety in the responses by European Union member States indicates the different ways in which the term “Internet-facilitated trade” in precursors is interpreted. Some countries evidently believe that regulation of precursors covers Internet activities only when they result in actual trade and not when they remain limited to intermediary activities carried out through the Internet, such as the advertising for the sale or purchase of precursors through business-to-business and social media platforms and websites.

^aUnited States Commission on Combating Synthetic Opioid Trafficking, *Final Report* (February 2022), p. 44. Available at www.rand.org/pubs/external_publications/EP68838.html.

^bDefined as the forced placement of relevant pages at the bottom of search result rankings.

^c“Spoofing” refers to a type of scam in which a criminal disguises an email address, display name, phone number, text message or website address to convince a target that he or she is interacting with a known, trusted source.

^dUnited States Commission on Combating Synthetic Opioid Trafficking, *Final Report*, p. 43.

^eEuropol, *Internet Organized Crime Threat Assessment 2021*, p. 39.

^fINCB report on precursors for 2017 (E/INCB/2017/4), para. 232.

Way forward

210. As the Internet continues to be targeted in various ways as a medium for facilitating precursor trafficking, there is a need for Governments to prioritize this issue and put in place a comprehensive solution that would cover the entire spectrum, from voluntary cooperation measures with relevant Internet industries, to the monitoring of and investigations into suspicious postings, and to specific legislative measures to support law enforcement efforts. **The Board, accordingly, encourages Governments to effectively implement the recommendations contained in Commission on Narcotic Drugs resolution 54/8 and to adopt a balanced approach to preventing the Internet-facilitated diversion and smuggling of precursor chemicals. Furthermore, the Board recommends that, in doing so, authorities introduce law enforcement actions to identify and prosecute the traffickers responsible for such activities in order to disrupt their activities. Where this is not possible, as a minimum, and in accordance with national circumstances and regulations, authorities may consider engaging with the operators of the Internet platforms concerned to encourage the removal of suspicious postings. The Board stands ready to continue providing all necessary support to those ends.**